

# Attachment E-1

## Ecology Response to Comments for Town of Spangle NPDES Permit WA0991010

The legal notice that informed the public that a draft permit and fact sheet were available for review was published in the Spokesman Review on October 17, 2024. The Washington State Department of Ecology (Ecology) received comments on the draft documents during the 30-day public comment period.

Below is a summary table of the commenters and topics, the comments, and Ecology's responses. A copy of all comment documents is available upon request. Ecology used the following six topics to group comments:

1. Compliance Schedule
2. Engineering Planning
3. Monitoring Requirements
4. New Requirements
5. Permit Limits
6. Reporting

**Table 1: List of Commenters and Topics**

<b>Affiliation</b>	<b>Commenter Name</b>	<b>Comment Topic</b>	<b>Comment Numbers</b>
Spokane Riverkeeper	Katelyn Kinn	Compliance Schedule	O-3-3, O-3-4, O-3-6, O-3-7, O-3-9
Town of Spangle, Century West Engineering	Logan Billington	Engineering Planning	O-4-3
Individual	June Brumley	Monitoring Requirements	I-1-1
Individual	Rebecca Johnson	Monitoring Requirements	I-2-1
Spokane Riverkeeper	Katelyn Kinn	Monitoring Requirements	O-3-5
Town of Spangle	Logan Billington	Monitoring Requirements	O-1-4, O-1-5
Individual	Charleen Ince	New Requirements	I-4-1
Individual	Jani Miller	New Requirements	I-3-1
Town of Spangle	Logan Billington	New Requirements	O-1-10
Town of Spangle	Peggy Mangis (Clerk/Treasurer)	New Requirements	O-2-1
Spokane Riverkeeper	Katelyn Kinn	Permit Limits	O-3-1, O-3-2, O-3-8, O-3-10
Town of Spangle	Logan Billington	Permit Limits	O-1-1, O-1-2, O-1-3
Town of Spangle, Century West Engineering	Logan Billington	Permit Limits	O-4-1, O-4-2
Individual	Rebecca Johnson	Reporting	I-2-2
Town of Spangle	Logan Billington	Reporting	O-1-6, O-1-7, O-1-8, O-1-9

## Comments on Compliance Schedule

### **Summarized Commenters: Spokane Riverkeeper**

Commenter: Katelyn Kinn - Comment O-3-7

Further, WAC 173-201A-510(4)(b) requires that any compliance schedules “ensure final compliance with all water quality-based effluent limits and the water quality standards as soon as possible” (emphasis added). Does Ecology really content that additional 10 years to comply with a water quality-based effluent limit is as soon as possible? See also WAC 173-201A-510(4)(d) (“compliance schedules shall generally not exceed the term of any permit”).

#### Response to O-3-7

Thank you for your comment. Ecology provided the justification for the timing for the compliance schedule in the Fact Sheet Section V.F. Timelines must project the activities needed and time required for completion as accurately as possible. Based on the need to address collection system issues and secure resources, 10 years is a very tight timeline and may be very difficult for the Permittee to meet. Ecology will review the annual compliance schedule reports to verify that Spangle is making progress toward meeting the compliance schedule.

Commenter: Katelyn Kinn - Comment O-3-9

WAC 173-201A-510(4)(d) requires that “prior to establishing a schedule of compliance, the department shall require the discharger to evaluate the possibility of achieving water quality standards via nonconstruction changes (e.g., facility operation, pollution prevention).” How does the draft permit comply with this requirement?

#### Response to O-3-9

Thank you for your comment. Ecology’s permit developer considered the possible operational actions that could be taken and determined that there are not any easily identifiable operational changes that can be made to achieve water quality temperature and dissolved oxygen standards given the limitations of the existing facility.

Ecology included a compliance schedule that requires the Permittee to further evaluate and submit engineering documents for changes to the treatment system to bring the facility into compliance with water quality standards. No changes were made to the permit.

Commenter: Katelyn Kinn - Comment O-3-3

WAC 173-220-140(1)(b) requires that schedules of compliance “shall set for the shortest, reasonable period of time.” How does Ecology justify a 10-year compliance schedule here? How is that reasonable? Spangle’s existing permit has required these effluent limits for temperature since 2017. Is it not entirely unreasonable that this compliance schedules gives them an additional 10 years on top of the 7 they have already had?

Further, WAC 173-201A-510(4)(b) requires that any compliance schedules “ensure final compliance with all water quality-based effluent limits and the water quality standards as soon as possible” (emphasis added). Does Ecology really content that additional 10 years to comply with a water quality-based effluent limit is as soon as possible? See also WAC 173-201A-510(4)(d) (“compliance schedules shall generally not exceed the term of any permit”).

### Response to O-3-3

Thank you for your comment. In setting the compliance schedule, Ecology took into consideration the capabilities of the small community and the time required to align resources and implement solutions. Ecology believes that it will take more than five years for Spangle to find and implement alternatives that will achieve temperature and dissolved oxygen limits. As a result, the compliance schedule may extend to 10 years from the effective date of this permit. Ecology has also implemented a compliance schedule intended to keep Spangle moving forward by including required reporting of steps taken every year towards meeting the compliance schedule. No changes were made to the schedule timeline.

### Commenter: Katelyn Kinn - Comment O-3-4

Spangle’s permit has required continuous monitoring for temperature since at least 2010. Fourteen years later, Spangle has still failed to install the necessary equipment. Finally, Ecology now proposes to keep the continuous monitoring requirements intact (including during the first year) and require that Spangle actually install the equipment within the first year of the new permit term.

Riverkeeper, of course, agrees that Spangle must once and for all install the monitoring equipment. However, providing a one-year compliance schedule for completing a basic upgrade to its system to allow for continuous reading and recording – when that was required to be installed fourteen years ago - is troublesome.

WAC 173-220-150(1)(g) requires that the permit require that “the permittee shall at all times properly operate and maintain any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.” How is providing an additional year to complete this basic system upgrade consistent with this regulation?

### Response to O-3-4

Thank you for your comment. Ecology became aware during an inspection in 2022 that the daily temperature data being submitted by Spangle was not what the permit required. The permit required Spangle to continuously sample temperature and report the daily maximum temperature or to complete grab samples at or near the daily maximum until continuous sampling is implemented. Spangle put in a thermistor that had a continuous digital reading, but it did not record the temperature so that Spangle could capture the daily maximum.

Spangle read the thermistor in the morning which is the coolest temperature instead of the late afternoon when the temperature is typically at its maximum. During the inspection Ecology discussed this issue with the Public Works Director and informed Spangle of the need to resolve this issue and meet the permit requirements for temperature reporting.

To reduce the implementation time for maximum temperature reporting, Ecology has added temperature and dissolved oxygen grab samples with notes clarifying expectations for sampling to Table 4 in S2. Additionally, Ecology added a requirement to the compliance schedule requiring Spangle to identify the approximate time of day that the effluent reaches maximum temperature and minimum dissolved oxygen. The permit requires that Spangle take samples that report the maximum temperature and minimum dissolved oxygen until the continuous monitoring equipment is installed and functional.

#### Commenter: Katelyn Kinn - Comment O-3-6

Riverkeeper is concerned by the protracted deadlines for interim requirements which Ecology proposes in Draft Permit Condition S10. WAC 173-220-140(2) requires that compliance schedules that exceed one year “set forth interim requirements and the dates for their achievement” and “in no event shall more than one year elapse between interim dates.” Ecology’s Draft Permit violates this regulation. For example, Draft Permit Condition S10 Table 6 Task 3 proposes to require Spangle to “provide capital improvement plan and construction schedule to address inflow and infiltration in the collection system” by the date from Condition S4.E (which Ecology proposes to be “1.5 years from issue”). And, Draft Permit Condition S10 Table 6 Task 4 proposes to require Spangle to “provide an engineering report identifying alternatives for treatment waste activated sludge and biosolids...” by the date from Condition S9 (which Ecology proposes to be “4 years from effective date”).

#### Response to O-3-6

Thank you for your comment. Ecology has worked with numerous communities with inflow and infiltration issues that affect compliance. It takes a year to complete the testing of the collection system and then they require enough time to take the results of the flow tests, smoke tests and possible dye test and create a report that synthesizes the data and identifies the capital improvement plan with estimated reductions.

Ecology provided 2.5 years, once the collection system evaluation was completed, to complete an engineering plan that evaluates all known, available, and reasonable methods of prevention, control, and treatment (AKART) required to meet future water quality based effluent limits. This timeline may seem unreasonably long but in Ecology's experience, small communities need this amount of time to find the resources for studies and planning. Failing to address the collection system issues will result in a system that is over designed and difficult to operate in compliance with the permit.

## Comments on Engineering Planning

**Summarized Commenters:** Town of Spangle, Century West Engineering

**Commenter:** Logan Billington - Comment O-4-3

Fact Sheet, Page 27: Ecology is imposing an end-of-pipe limit at the surface water quality standard for dissolved oxygen. An AKART analysis is not required. The Engineering Report will require upgrades to meet the end of pipe standard for surface water discharge. Per WAC 173- 201A-300: AKART is required to prevent degradation of water quality. An end of pipe limit at the water quality standard is not degrading the water quality for DO. The treatment goes beyond AKART to treat to limit. Per WAC 173-201A-400: AKART is required to be granted a mixing zone. There is no mixing zone.

### Response to O-4-3

Thank you for your comment. All discharges to waters of the state have a reasonable potential to degradation of water quality. According to the antidegradation requirements in WAC 173-201A-300 (d), all dischargers must identify and implement AKART to discharge to waters of the state.

## Comments on Monitoring Requirements

**Summarized Commenters:** Town of Spangle, June Brumley, Rebecca Johnson, Spokane Riverkeeper

**Commenter:** June Brumley - Comment I-1-1

This would require more tests each week. We are a small town and only have one maintenance man and this would be added workload on him. This would cost more money where we are a small town on an already tight budget.

**Commenter:** Rebecca Johnson - Comment I-2-1

What is the rationale for increased testing, this causes increased financial cost to the town, and also increases staff workload.

**Commenter:** Logan Billington - Comment O-1-4

For the monitoring requirements, the town is particularly concerned with the proposed increase in weekly along with quarterly sampling. While we understand that more frequent sampling provides better insight into the system's performance, the concern is about the cost, taking that many more samples per year is a significant increase for the town. The initial estimate for the added testing is over \$7,000 per year just for the sampling requirements. Given the age of our system and the ongoing improvements and upgrades, we are actively reviewing our entire system to address all necessary issues to maintain proper operation. However, we question the need for such a substantial increase in the number of samples required.

### Response to I-1-1, I-2-1, and O-1-4

Thank you for your comment. Ecology recognizes that the new monitoring requirements will result in an additional expense for the town. Ecology considered several factors when establishing a monitoring schedule for the Town of Spangle. These factors included compliance history, complexity of the treatment facility, daily volume of discharge, receiving water, and compliance inspection results. Consideration of these factors resulted in an increase in the monitoring at the facility. The facility is now monitoring at the minimum sampling frequency recommended in the Permit Writers Manual for a facility of the type and size of the Spangle's treatment plant that discharges to surface water at a flow rate of less than 0.1 million gallons per day. Spangle is at the minimum recommended frequency; as a result, Ecology may not be able to reduce sampling frequency. However, the permit in Section S2.D provides that Spangle may submit a request to Ecology for a reduction in monitoring after 12 months.

### Commenter: Katelyn Kinn - Comment O-3-5

Riverkeeper is also concerned about the potential for confusion that Draft Permit Condition S10 conflicts with Condition S2. To avoid confusion, please clarify that Spangle will continue to be in violation of Condition S2 until it complies with Condition S10. Please note that Condition S10 applies in addition to (not instead of) Condition S2, and that compliance with S2 is required regardless of compliance with S10. Please also provide comparable clarifying language as to each of the 4 tasks in Table 6 of Draft Permit Condition S10. These clarifications are necessary to comply with WAC 173-220-150(1)(a) which requires that "all discharges authorized by the permit shall be consistent with the terms and conditions of the permit.

### Response to O-3-5

Thank you for your comment. Ecology has added grab samples to S2 until the continuous monitoring devices are installed and functional. Additionally, Ecology adds two requirements to the S10 compliance schedule. Spangle is required to evaluate the effluent to identify approximate time of day when the temperature is highest and when dissolved oxygen is lowest. They are to complete this in early June 2025 and report the findings to Ecology. Then they are required to sample at that approximate time of day each day until the continuous monitoring devices are installed.

### Commenter: Logan Billington - Comment O-1-5

The "number of operating tubes" as a parameter in the Discharge Monitoring Report (DMR) is unnecessary, as this is not directly related to the effluent treatment process. Monitoring and recording this as a parameter in the DMR does not impact the quality or compliance of the treated effluent, recording this daily for the DMR is not needed and it should only be recorded in the operator logs if necessary and not listed as a parameter in the permit or needed to be recorded in the DMR. The DMR should be focused on the parameters directly relevant to treatment efficiency of the effluent and what is being discharged, not the operations and maintenance that happen in the system.

### Response to O-1-5

Thank you for your comment. During permit development, Ecology identified two options for demonstrating that the facility followed the disinfection requirements: sample fecal coliforms every day or demonstrate that the UV disinfection unit is functioning as designed every day and sample fecal coliforms once a week. Ecology identified the second option as the best fit for Spangle. The option of reporting number of bulbs functioning would be less burdensome on the town and would still accomplish the goal of demonstrating that the disinfection system was functional everyday allowing for bacterial sampling once per week. Ecology added clarifying language to the monitoring table notes and added the design limit for the bulbs in Section S4, based on the information in the Operations and Maintenance Manual. Ecology also added language to Fact Sheet Section IV.A. explaining that the sampling is intended to verify daily that the UV system is functioning as designed and constructed.

## Comments on New Requirements

**Summarized Commenters:** Town of Spangle, Town of Spangle, Jani Miller, Charleen Ince

Commenter: Charleen Ince - Comment I-4-1

The permit should be granted without new regulations. If the current permit was able to meet the applicable requirements, then a new permit should be renewed under the old requirements. The citizens of the town do not need another financial burden placed on them for such a small town.

### Response to I-4-1

Thank you for your comment. Prior to writing the permit, Ecology evaluated the condition of the treatment works, previous permit compliance, and the quality of the receiving water. The process that Ecology follows for permit development is provided in the [Permit Writers Manual](#). Ecology determined that changes needed to be made to the permit to protect Spangle Creek and the Hangman Creek watershed. As a result, the reissued permit was updated to include additional requirements protective of Spangle Creek and the Hangman Creek watershed.

Commenter: Jani Miller - Comment I-3-1

It seems to me that all the things this permit will require are going to be very cost prohibitive to a small town like Spangle. The hours it will take to accomplish everything will most likely cause the town to need to hire someone. Small towns do not have the funds to do this. Has someone really thought about how many hours it is going to take? Are you going to send someone and fund that person to help small towns with all the new things that will be expected? New permits should not force a small town to hire another person.

### Response to I-3-1

Thank you for your comment. Ecology does provide opportunities for technical assistance. Additionally, the treatment system operation and maintenance manual must identify the staff requirements for operations and maintenance of the system. This includes the sampling and reporting requirements.

### Commenter: Logan Billington - Comment O-1-10

After reviewing the draft permit and discussing this at multiple meetings the main concern is the cost of maintaining and staying in compliance with this permit along with the need and reasoning of why there are new requirements being added. The cost plays a big role in all the factors in engineering requirements, system upgrades, sample requirements, staffing needed, and just regular maintenance of the entire system. The town knows and is actively working to keep the system up to date and in compliance with the current permit. Being a small town in a rural community, among many others in the surrounding areas, our limited budget and staffing resources make it challenging to meet the new requirements proposed in this draft permit. Adding new discharge limits and adjusting the old ones can cause major costs and time in redesigning the system to meet the new requirements and especially with adding a significant amount of monitoring requirements. The amount of reporting also presents challenges, as completing these tasks would consume a significant amount of time, potentially diverting resources from essential system maintenance and operation. We recognize that some reports are necessary, but we propose that reporting requirements be applied more selectively, based on the severity or nature of the issue. For minor issues, a streamlined reporting process such as a single report to the permit manager would be sufficient, reducing costs and administrative burdens without compromising environmental protection.

### Commenter: Peggy Mangis (Clerk/Treasurer) - Comment O-2-1

As the Clerk/Treasurer for the Town of Spangle I am concerned for the Town's budget regarding these new requirements placed up on the Town. We have a limited budget with just two employees, and these extra tests which increases our expenditures, will stretch it even tighter. If these are approved, we will have to increase our rates and this will put a big strain on our elderly and low income families in Town. The Town would have to hire another employee just to keep up with these extra steps and testing, and to also make sure our Town is running smoothly with all the other daily activities. Our 265 population is being compared to bigger cities and is asked to run and pay at the same rate as them, essentially being lumped into one big group. We do not have the resources nor the funds to increase testing, reporting, and overall extra procedures this permit is asking. We feel a lot of the steps are redundant and could be simplified to one or two steps instead of multiple. Please take our resources, funds, and overall population into consideration before accepting the new procedures.

### Response to O-1-10 and O-2-1

Thank you for your comment. Ecology recognizes the problems faced by small communities that discharge to surface water. However, Ecology is required to write permits that are protective of receiving water quality.

## Comments on Permit Limits

**Summarized Commenters:** Town of Spangle, Spokane Riverkeeper, Town of Spangle, Century West Engineering

Commenter: Katelyn Kinn - Comment O-3-8

WAC 173-201A-510(4)(c) requires that “for the period of time during which compliance with water quality standards is deferred, interim effluent limits shall be formally established.” How is the draft permit in compliance with this regulation when it has not set any interim effluent limits for temperature?

### Response to O-3-8

Thank you for your comment. Ecology did establish a performance-based interim limit. It is a narrative limit that requires Spangle not to increase temperature above the previous discharge. Ecology is requiring Spangle to collect the data needed to set numeric limits in the future.

Commenter: Katelyn Kinn - Comment O-3-10

WAC 173-220-130(1)(a) requires that effluent limitations in Ecology’s permits “shall not be less stringent than those based upon the treatment facility design efficiency.” What are the treatment facility design efficiencies here? This should be described in the Draft Fact Sheet. How does this Draft Permit comply with this regulation?

### Response to O-3-10

Thank you for your comment. Ecology provides the design information in the Fact Sheet Section III.A and in Permit Section S4.

Commenter: Katelyn Kinn - Comment O-3-1

Hangman (Latah) Creek has some of the worst water quality in the state. Redband trout populations that exist in Hangman Creek and its tributaries upstream of the Spokane River suggest that sections of Hangman (Latah) Creek historically provided suitable habitat for Redband trout. High turbidity and large sediment loads within Hangman Creek prevent habitat access by Redband trout and native salmon populations.

High levels of TSS from wastewater treatment facilities pose a significant threat to small streams like Hangman Creek and the aquatic species that depend on them. High measure of TSS can clog the gills of fish, destroy habitats when settling out, and reduce the availability of food for aquatic organisms. Suspended materials also exacerbate other environmental stressors by promoting solar heating, which raises water temperatures, and lowers dissolved oxygen levels.

These combined impacts can severely degrade small stream ecosystems. Addressing the issue of TSS in wastewater discharges is crucial to protecting sensitive, limited habitat.

Ecology completed a TMDL for Hangman (Latah) Creek Watershed which has wasteload allocations for several pollutants includes TSS. Spangle's current permit includes technology-based effluent limits for TSS that are derived from that TMDL: 15 mg/L average monthly, 8.5 lb/day and 23 mg/L average weekly, 12.8 lbs/day.

The Draft Fact Sheet (at p. 31) states that the Average Weekly effluent limit for TSS loading will remain at 12.8 lbs/day. However, the Draft Permit includes an Average Weekly effluent limit for TSS of 15.5 lbs/day. Is this a typo?

### Response to O-3-1

Thank you for your comment. Ecology made a typographical error when entering the value. The value has been corrected.

### Commenter: Katelyn Kinn - Comment O-3-2

Hangman Creek has had a Category 5 303(d) impairment listing for temperature for decades and is only getting worse. Our data indicates that temperatures across Hangman Creek exceed state standards every summer. These temperatures are lethal to the native redband trout.

In general, rainbow trout prefer temperatures below 20°C (68°F) and grow best in temperatures between 13-17°C (~55-63°F).<sup>2</sup> When water temperatures exceed these levels, fish look for cooler refuges. Unfortunately, as water warms, it holds less and less oxygen. At very high temperatures, coldwater fish, like our native redband trout, are literally fighting to breathe, and using all their energy to do so.

This leaves little energy for growth, and summer is the time when fishes in temperate climates like eastern Washington experience 90% of their yearly growth.

Thermal pollution from facilities like Spangle's can dramatically impact the temperature of a small creek, like Hangman Creek, especially with lower flows in the late summer.

Ecology completed a TMDL for Hangman (Latah) Creek Watershed which has wasteload allocations for temperature. Spangle's current permit includes seasonal water quality-based effluent limits for temperature that are derived from that TMDL: 7DADMax (July – 18.2 °C; August – 21.5°C; September – 17.7 °C).

The Draft Fact Sheet states that these are average monthly limits. But Spangle's existing permit clearly sets these limits as maximum daily. Can Ecology explain this discrepancy?

In any event, the Draft Permit proposes to outright remove the current seasonal maximum daily effluent limits for Temperature 7DADMax (July – 18.2 °C; August – 21.5°C; September – 17.7 °C), and instead apply (eventually, ten years later) these limits as average monthly effluent limits.

Ecology proposes that these limits will not become effective until 10 years from the effective date of the revised permit. In doing so, Ecology sets a compliance schedule – shifting the landscape from one in which Spangle is already required to meet those limits (and should have taken action long ago to make that happen but failed to do so) to one in which Spangle now needs only to report annually on steps they are taking towards meeting the limits.

How does removing these effluent limits not violate the Clean Water Act Section 402(o)'s prohibition against backsliding? See 33 U.S. Code § 1342(o). How does this not violate WAC 173-220-130(1)(a) which requires Ecology to issue permits that “apply and insure compliance with” effluent limitations established under sections 301, 302 (water quality based), 306 (technology based) and 307 (pretreatment)? Has Ecology made “a finding that any discharge authorized by the permit will not violate applicable water quality standards”? See WAC 173-220-130(2).

Moreover, WAC 173-220-130(3)(b) which applies to permits issued to domestic wastewater facilities requires that the permit specify “average weekly and monthly quantitative concentration and mass limitations, or other such appropriate limitations for the level of pollutants and the authorized discharge.” How would Ecology be in compliance with that regulation if it removes all maximum daily effluent limits for temperature from the permit?

### Response to O-3-2

Thank you for your comment. Ecology made an error when transposing information from the TMDL to the Table in the Fact Sheet and the Permit. This is a seven-day average **maximum** limit. The error was corrected, and these are now properly identified as seven-day average **maximum** limits.

### Commenter: Logan Billington - Comment O-1-2

The next parameter is the dissolved oxygen average monthly limit. I did see it said effective ten years from the effective date but that is something we would need to investigate much further before the town would be comfortable agreeing to meet those limits at this time. As of right now the town is not even close to meeting the new limit set in this draft permit and this system is not designed for meeting the new limits.

### Response to O-1-2

Thank you for your comment. Ecology appreciates your concerns about meeting the future limits. Ecology provided a compliance schedule and timeline that identifies the steps needed to meet the future limit. The permit provides a performance-based limit that Spangle should be able to meet during the time allotted to come into compliance with the future limit.

If Spangle continues to discharge to Spangle Creek, they must meet the dissolved oxygen limit in 10 years or sooner.

### Commenter: Logan Billington - Comment O-1-3

The adjustment of temperature requirements now include limits from June to August represents a change in the town's operations. This modification will require additional research, engineering adjustments, and possibly the redesign of current and planned systems to comply with new seasonal standards. These changes come from what the town has already done in research, planning, and adjustments to meet existing limits that were from July to September, which will increase both operational costs and the financial burden on the town.

### Response to O-1-3

Thank you for your comment. Ecology appreciates your concerns about the need for additional engineering. The temperature limits were incorrectly set in the previous permit and the correct limits are included in this permit. As a result, Ecology is requiring additional engineering documents so that the facility meets the required water quality standards.

### Commenter: Logan Billington - Comment O-1-1

In reviewing the effluent discharge limits, I have identified some concerns regarding the total phosphorus limits. Previously, the town monitored phosphorus levels without specific limits and based on our data from the past few years, I believe that our system can generally comply with these limits. However, maintaining compliance throughout the entire year is a concern.

The Spangle Treatment Plant is not adequately designed to manage the seasonal and climatic variations that already can significantly impact our operational parameters, and I believe that these variations could also affect our ability to consistently meet the phosphorus limits. The system is also not specifically designed for phosphorus removal.

### Response to O-1-1

Thank you for your comment. Spangle discharges into a surface water in the Hangman watershed. There is a dissolved oxygen impairment identified in the receiving water. As a result, the permit must limit oxygen-demanding waste to current levels. Spangle was required by the previous permit to submit representative data for the discharge of phosphorus to Spangle Creek. Ecology used the submitted data to determine these limits using the calculation method identified in Appendix D of the Fact Sheet. This should assure that Spangle can meet the limits for monthly average 95% of the time and for maximum day 99% of the time.

### Commenter: Logan Billington - Comment O-4-2

Please provide the data spreadsheet that was used for the calculation of the permit limits to allow review by Town engineer.

### Response to O-4-2

Thank you for your comment. The data used in the calculation of the limits is found in the Water Quality Permitting and Reporting Information System (PARIS) Paris - Discharge Monitoring Data. The period used is identified in the Fact Sheet Section II.D. Ecology does not include the data tables in the Fact Sheet as this is available electronically. The spreadsheet may be requested by emailing Ecology's Public Disclosure staff at Ecology Public Disclosure [PublicDisclosureERO@ECY.WA.GOV](mailto:PublicDisclosureERO@ECY.WA.GOV)

### Commenter: Logan Billington - Comment O-4-1

Fact Sheet, Page 53: In the calculation of performance-based limits for phosphorus, they used 4 effluent samples collected per month instead of 1 as required in Table 4 of the permit. This results in the monthly average effluent limit being 5.7 mg/L which is lower than what the effluent limit would be if calculated using 1 effluent sample per month (~7.7 mg/L).

### Response to O-4-1

Thank you for your comment. Ecology uses the EPA TSD 1991 document for development of technology (performance) based limits. The statistics used when calculating performance-based limits are in Chapter 5. The TSD page 110 states, "Under these circumstances, the statistical procedure should be employed using an assumed number of samples of at least four for the AML derivation.

## Comments on Reporting

### **Summarized Commenters:** Town of Spangle, Rebecca Johnson

#### Commenter: Rebecca Johnson - Comment I-2-2

In addition why are report/testing results sent to multiple agencies

#### Commenter: Logan Billington - Comment O-1-6

The reporting requirements calling, emailing, and submitting paper reports seem redundant and unnecessary and may lead to inefficiencies. Reporting the same information in multiple formats is time consuming and could introduce inconsistencies. A single, centralized reporting method would ensure accurate, timely information sharing and reduce the administrative burden on the town. Consolidating reporting methods by one primary method (like email) to submit all required information would simplify the process to improve efficiency, ensure data consistency, and reduce unnecessary workload on all staff with the town but also outside of the town. By minimizing the amount of reporting, the town can focus resources on maintaining compliance and effective operations.

**Commenter: Logan Billington - Comment O-1-7**

In this section it is stated that reports should be made to both Ecology and the local health jurisdiction by phone. I believe that reporting should be made to Ecology, who could then contact the local health jurisdiction if necessary or advise the permittee to do so if needed. This would be saving time and the cost for the town and other agencies as well, and the town could focus their time on the situation that occurred and how to properly fix or prevent it from happening again, rather than having multiple reports to do right after what was most likely a quick temporary fix or may have been just a small violation.

**Commenter: Logan Billington - Comment O-1-8**

The current requirement is to contact Ecology by phone and email the permit manager. I suggest simplifying this process by requiring only email communication, as this would be simple and more efficient, saving time for everyone. Requiring to only email the permit manager, eliminating the need for phone calls except in emergencies would make communication more straightforward and ensure efficiency for both ecology and the town.

**Response to I-2-2, O-1-6, O-1-7 and O-1-8**

Thank you for your comment. Ecology requires additional notifications of specific agencies and agency staff when issues at the domestic wastewater facilities may have adverse effects on the environment and public health. These requirements will not be removed from the permit.

**Commenter: Logan Billington - Comment O-1-9**

Regarding the five-day follow-up report, I believe this could be more of an as needed situation. For more complex situations, a follow-up report would be understandable and maybe necessary. However, for minor issues that can be easily identified or corrected, an additional report is unnecessary, and I don't see the need to have another report required to submit for smaller situations. Making this report as needed would again reduce redundant reporting and be saving time and money for all agencies.

**Response to O-1-9**

Thank you for your comment. Permit section S3.F.5. Waiver of written reports indicates that Ecology may waive the report required in S3.F.4 on a case-by-case basis. No changes were made to remove or changes this requirement. However, while responding to this comment, Ecology noted a formatting issue in this section and corrected the section number referring to the written report.